

MINUTES OF A REGULAR MEETING OF THE BOARD OF  
DIRECTORS

OF

MURPHY CREEK METROPOLITAN DISTRICT NO. 3

Held: November 18, 2020 via videoconference.

Attendance

A meeting of the Board of Directors of Murphy Creek Metropolitan District No. 3 was called and held, as shown, in accordance with Colorado law. The following directors confirmed their qualification to serve on the Board:

Doug Schriner  
Margaret Rash  
Justin Bregenzer  
Matthew West

Also present were: District Accountant Bob Colwell, District Managers Shannon Torgerson, Angela Meyers, and David Prieto, District Landscape Contractors Brett Potthoff and Jake Willett, District Security Manager Andy Carroll, District Counsel Brian Matise, District Communications Contractor Margie Sobey, and numerous members of the public who joined in the videoconference as viewers during the course of the meeting.

Call to Order

President Doug Schriner called the meeting to order at 6:00 p.m.

Pledge of Allegiance

Mr. Schriner led the Pledge of Allegiance.

Declaration of Quorum/Disclosures of  
Potential Conflicts of Interest

Mr. Schriner noted that a quorum of the Board was present and the Directors confirmed their qualification to serve.

Consider Appointment of New Board  
Member

There is vacancy on the Board due to Mr. Smallwood's resignation. Ms. Rash moved that Chuck Marlow be appointed as a new Board member. Mr. Marlow previously served as a Board member from June 2018-May 2020. Mr. Bregenzer seconded. On a 4-0 vote, Mr. Marlow was appointed by the Board to fill the vacancy. Mr. Marlow took his oath of office, which was immediately filed with the bond by legal counsel, and he took office.

Board members and consultants introduced themselves to the public.

Ms. Torgerson provided instructions for public participation via Zoom.

#### Approval of Agenda

Mr. Schriner asked if there were any additions or corrections to the agenda. Hearing none, the agenda was unanimously approved.

#### Approval of Minutes of October 21, 2020 Meetings

Mr. Schriner asked if there were any additions or corrections to the minutes of the October 21, 2020 meeting. It was moved by Ms. Rash, seconded by Mr. Schriner, and carried (5-0) to approve the minutes as amended.

#### Public Hearing on 2021 Budget

Mr. Schriner opened the public hearing on the 2021 budget at 6:09 p.m. Mr. Schriner presented the budget. Revenues are based on 1,364 homes and lots at \$60 per month. The general fund expenditures are proposed to be \$1,098,374. The mill levy for debt service remains at 54.327 mills which is anticipated to generate \$1,943,982 in property tax revenue, and expenditures are \$2,060,621 for debt service.

After discussion, Ms. Rash moved to close the public hearing. Seconded by Mr. Marlow and unanimously passed (5-0), the public hearing was closed at 6:23 p.m.

#### Adoption of Budget

Mr. Schriner moved to adopt the budget, set the mill levies at 0 mills for the general fund and 54.327 mills for debt service, and appropriate funds (\$1,098,374 for general fund and \$2,060,621 for debt service fund) as indicated in the proposed budget. The motion was seconded by Ms. Rash and unanimously passed (5-0).

#### Financial Report

Mr. Colwell presented the financial report. The audit is almost complete. The bond payment will be made December 1 and additional payments of accrued interest from prior years is being paid from excess revenues.

#### Landscape Report

Mr. Potthoff and Mr. Willett presented the landscape report. Mr. Willett presented the proposed contract for next year. The proposal calls for a 3-year contract, \$119,880 for the first two years and \$125,875 for the third year. Mr. Matise pointed out that the contract must be terminable at the end of each fiscal year to avoid multiple fiscal year obligations that are prohibited by TABOR.

The Board questioned ColoradoScapes about the 5% increase in year 3 and requested a 3% increase instead. On a motion by Mr. Schriner, seconded by Ms. Rash and unanimously carried (5-0), the Board approved the ColoradoScapes contract with two changes: 1) third year increase will be 3% instead of 5%; 2) contract subject to

annual appropriations and may be terminable at the end of each year.

A proposal for stump grinding 68 stumps for \$4,771 was presented.

The stump grinding proposal was discussed. On a motion by Mr. Schriner, seconded by Ms. Rash and unanimously carried (5-0), the Board authorized up to \$5,000 for stump grinding.

Annual flowers for next year was discussed.

The Board will put together a group to recommend annual flowers in the spring.

The Board directed that the medians and traffic circles that are not owned by the District will not be maintained by the District unless the City either licenses the District to perform maintenance or transfers the property to the District.

A recommendation was made to replace 4 controllers with smart ET controllers to reduce water use.

#### Legal Report

Mr. Matise gave the legal report. The developer has filed a motion for attorney fees. District counsel do not believe that attorney fees may be awarded because the Court did not rule for the developer on claims for which attorney fees are recoverable. However, some costs may be awarded (such as filing and service of process fees).

Mr. Matise presented the Board with the collection report.

#### Safety Report

Mr. Carroll gave the safety report. There has been only 1 police report in the neighborhood in the last month (theft from a garage).

Mr. Carroll discussed recent incident of freezing pipes at clubhouse and protection of the clubhouse assets.

Mr. Carroll suggested the Board may wish to consider installing license plate readers within the community.

#### Property Manager Report

Ms. Torgerson gave the property manager report.

1) Ms. Torgerson and the insurance adjuster are in negotiations regarding hail damage to the fence.

2) A request to use the clubhouse by Rocky Mountain Kids was presented. The Board decided not to pursue.

3) Ms. Torgerson presented reserve study bids. The Board decided to table this to the first of the new year.

4) The 2021 pool management proposals from Front Range Recreation and USA Pools were discussed. Ms. Rash noted that some changes were needed in the contract (such as year needs to be changed from 2020 to 2021 in several places).

5) A proposal from Flock Safety was presented.

6) The new slide is ready for installation.

7) Mr. Prieto discussed cash balances and budgets. They are right on budget so far but delinquencies are starting to increase.

#### Communications Report

Ms. Sobey presented the communications report. She is still looking into better internet access and phone service.

Verizon proposed using the security camera data service for low-cost internet access which may also be wireless.

She is also looking into phone service options from AT&T and Verizon.

A question was raised as to whether phone service is needed at the clubhouse. The Key Rite access system uses phone lines.

Cell phone service would cost about \$100 a month for two cell phones versus \$300 a month for Century Link service.

Ms. Sobey presented an update on development. Meritage Homes gave a proposal on proposed development with possible 3 car garages.

#### Public Comment

A member of the public questioned whether the District imposes business taxes. There are no businesses in District 3 which is residential, only District 2. However, personal property taxes may be collected by the County on home businesses.

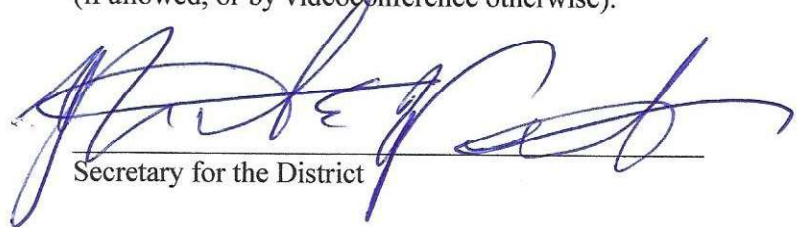
A resident noted that several sprinkler valve covers need to be replaced.

Adjourn

On a motion by Ms. Rash, seconded by Mr. Schriener, and unanimously carried (5-0), the meeting was adjourned at 8:10 p.m.

Next Meeting

The next regular meeting is scheduled for Wednesday, January 20, 2021 at 6:00 p.m. at the community clubhouse, 23801 East Florida Ave., Aurora, CO 80018 (if allowed, or by videoconference otherwise).



Secretary for the District

1/20